



08/12/04

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

KENNETH E. WILLIAMS ET AL

Serial No. 10/692,153

Filing Date: Oct 22, 2003

For: AUTOMATED PEST CONTROL  
DUST APPLICATOR DEVICE  
FOR REMOTE APPLICATIONS

: Examiner:

: DARREN W. ARK

: Group Art Unit: 3643

: Attorney Docket No. KEW-101A

Honorable Commissioner For Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT  
AND ELECTION WITHOUT TRAVERSE

This is in response to the Office Action dated July 13, 2004 in the above identified patent application. In that Office Action, the Examiner set forth a Restriction Requirement wherein claims 1 through 20 were deemed to support two inventions that were determined by the Examiner to be patentably distinct species. The Examiner set forth the following two groups:

I. Species I, as set forth in Figures 1 through 3; and,

II. Species II, as set forth in Figure 4.

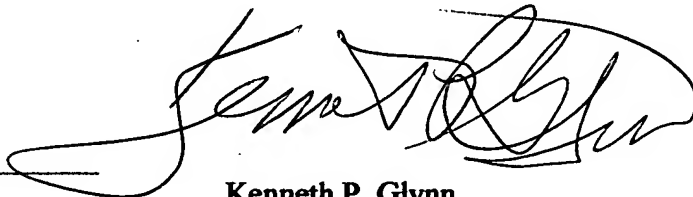
Applicants hereby elect the invention set forth in Figures 1 through 3, namely, Species I. This election is made without traverse, and it is requested that the Examiner proceed with substantive examination of the elected species. Further, applicants preserve their right to file a second application, i.e., a divisional application, on the non-elected species, at any time during the pendency of this application, at their own option.

Applicants urge that claims 2 through 9 and 12 through 19, inclusive, are specific features of the elected drawings and of Species I, and that claims 1, 10, 11, and 20 are generic thereto. (Note that claims 8 and 18 are directed to "a lower portion" and not limited to the bottom, hence reading on all Figures.) However, if the Examiner disagrees with the enumerated claims, the Examiner may alter the foregoing enumeration and proceed without traverse from applicants.

Thank you.

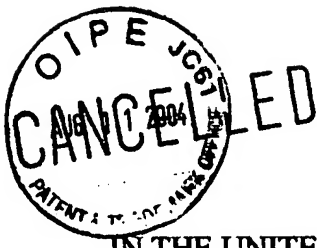
Respectfully submitted,

Dated: August 10, 2004



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cc: Kenneth E. Williams



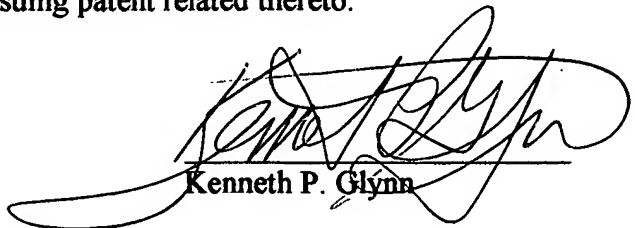
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CERTIFICATION OF MAILING BY EXPRESS MAIL

The undersigned hereby certifies that this document was delivered to the United States Post Office in Flemington, New Jersey 08822 between 7:30 a.m. and 4:45 p.m. on Tuesday, August 10, 2004 as EXPRESS MAIL. The undersigned further declares that this Certification is made with the knowledge that willful false statements are punishable by fine or imprisonment, or both, under applicable sections of United States law, and that willful false statements made before the United States Patent and Trademark Office may jeopardize the validity of the application or issuing patent related thereto.

  
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(Attorney Docket No. KEW-101A)